

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiffs,)	
)	4:05CR3138
v.)	
)	
EMANUEL CARLOS CAMACHO,)	
)	TENTATIVE FINDINGS ON OBJECTIONS
Defendants.)	TO REVISED PRESENTENCE
)	INVESTIGATION REPORT
<hr style="width: 40%; margin-left: 0;"/>)	

The defendant has objected to paragraphs 32, 35, 37, 41, and 77 of the Revised Presentence Investigation Report. Paragraph 25 calculates the quantities of marijuana and cocaine attributable to Emanuel Carlos Camacho and paragraph 26 describes his role in the offense. The remaining paragraphs objected to calculate the results of paragraphs 25 and 26.

Paragraph 25 counts two five-pound quantities and one ten-pound quantity of marijuana. My review of the evidence at the trial leads me to find that calculation is correct and when stated in terms of grams is 9 kilograms.

Paragraph 25 computes the amount of cocaine based upon 890 grams of cocaine, which when converted to marijuana, results in 187 kilograms of marijuana. The jury, however, found that the quantity of cocaine involved in the conspiracy and reasonably foreseeable by the defendant Emanuel Carlos Camacho was “less than 500 grams.” Using 450 grams as a reasonable amount of cocaine “less than 500 grams,” the conversion of cocaine to marijuana results in a figure of 90 kilograms of marijuana. The total of 9 kilograms and 90 kilograms equals 99 kilograms of marijuana, placing Mr. Camacho’s base offense level at 22. I tentatively find that is correct.

As to paragraph 26, regarding Emanuel Carlos Camacho’s role in the offense, I tentatively find that Mr. Camacho should receive a three-level increase as a manager or supervisor of this conspiracy that involved five or more participants, as also found by the probation officer.

The tentative findings, then, are calculated as follows:

Paragraph 32 – **Base Offense Level -- 22**

Paragraph 35 – **Adjustment for Role in the Offense – + 3**

Paragraph 37 – **Adjusted Offense Level (Subtotal) -- 25**

Paragraph 41 – **Total Offense Level – 25**

Paragraph 77 – **Guideline Provisions:** Based on a total offense level of **25** and a Criminal History Category **IV**, the defendant's guideline imprisonment range is **84-105** months. Zone C.

Objections to these tentative findings may be made at the time of the sentencing, but no evidence shall be received, as none has been requested or identified.

Dated June 5, 2007.

BY THE COURT

s/ Warren K. Urbom
United States Senior District Judge